

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

THE TRUSTEES OF PURDUE UNIVERSITY,

Plaintiff

-V-

**STMICROELECTRONICS N.V.,
STMICROELECTRONICS, INC.,
STMICROELECTRONICS
INTERNATIONAL N.V.,
*Defendants***

Defendants

W-21-CV-00727

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MODIFIED CLAIM CONSTRUCTION ORDER

The Court held a *Markman* hearing on April 29, 2022. During that hearing, the Court provided its final constructions. Last week, the Court entered an Order adopting its final claim constructions. *See* ECF No. 89. The Court entered these final constructions to memorialize the Court’s rulings for the parties, however the Court plans to issue a more-detailed Order explaining its analysis in due course. The Court issues this Modified Order to notify the Parties that this more fulsome Order is forthcoming, and that the deadline to file any objections to the undersigned’s claim construction ruling (pursuant to Federal Rules of Civil Procedure 59 and 72) do not need to be filed until 14 days after that more-detailed Order is entered upon the docket.

SIGNED this 9th day of May, 2022.

Derek T. Gilliland
Derek T. Gilliland
United States Magistrate Judge

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Preliminary Construction
“a second, thicker oxide layer” / “a gate oxide layer” U.S. Patent No. 8,035,112, Cls. 1, 6	“layer of oxide that is on the tops and sides of each gate and that is thicker than the layer of oxide below each gate”	“an oxidation layer formed, created, or grown by reacting the gate, thicker than the first oxide layer”	Plain-and-ordinary meaning
“double-implanted metal-oxide semiconductor field effect transistor” U.S. Patent No. 7,498,633, Cl. 9	The preamble is not limiting. In the alternative only, “double-implanted” is not limiting. ¹	The preamble is limiting.	The preamble is limiting.
“less than about three micrometers” U.S. Patent No. 7,498,633, Cl. 9	Plain and ordinary meaning, no construction necessary.	Indefinite	Not indefinite. Plain-and-ordinary meaning.

¹ ST notes that Purdue previously offered that “[i]n the alternative only, ‘metal-oxide semiconductor field-effect transistor is limiting.’”